

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARIAN THOMAS,

Defendant.

Case No: CR 09-00363 SBA

ORDER

[Docket Nos. 117, 120, 121]

On March 16, 2010, Defendant pled guilty to possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A). (Docket No. 115.) On March 19, 2010, Defendant was sentenced to eighty-four months of imprisonment. (Docket No. 116.)

On August 9, 2010, Defendant filed with this Court a “Rule 60(B)(3) Motion to Set Aside Judgment,” an “Application for Hearing of Rule 60B Motion,” and a “Motion for Reappointment of Counsel.” (Docket Nos. 117, 120, and 121.) Defendant moves to set aside the March 19, 2010 criminal judgment in this matter, pursuant to Federal Rule of Civil Procedure 60(b)(3). Defendant is advised that the appropriate vehicle to challenge that judgment is a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody. Accordingly,

IT IS HEREBY ORDERED THAT:

1. The Clerk shall provide Defendant with a copy of a blank form Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody.
2. Should Defendant file a 28 U.S.C. § 2255 motion, he is invited to renew his motion for reappointment of counsel at that time.
3. This Order terminates Docket Nos. 117, 120, and 121.

IT IS SO ORDERED.

Dated: 8/24/10


SAUNDRA BROWN ARMSTRONG
United States District Judge

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